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7 Attorneys for Defendant

8 BRIAN EVERETT

9 UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12 * * * * *

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 vs.

16 WINSLOW NORTON, et. al.,

17 Defendants.

) CASE NO.: CR 07-0683-DLJ

) **STIPULATION AND ORDER**

) **CONTINUING MOTION HEARING DATE**

18 IT IS HEREBY STIPULATED between the United States of America, through its
19 attorneys of record, Thomas O'Connell, and David Callaway, Assistant U.S. Attorneys; and, the
20 defendants, through their attorneys, J. Tony Serra and Ean Vizzi for Defendant Brian Everett,
21 Doron Weinberg for Defendant Winslow Norton, Stuart Hanlon for Defendant Abraham Norton,
22 and William Osterhoudt for Defendant Michael Norton, that the Hearing on Defendant's
23 Motions set for January 3, 2013, be continued to April 4, 2013, at 10:00 a.m. The briefing
24 schedule previously agreed to shall be replaced by the following briefing schedule:

25 Government's Response shall be filed no later than March 7, 2013

26 Defendants' Reply brief shall be filed no later than March 21, 2013

1 The parties report that they are currently undertaking renewed settlement negotiations in
2 this matter and require additional time to pursue those ends prior to the litigation of the pending
3 motions.

4 The parties have previously agreed to a Speedy Trial Act exclusion through January 3,
5 2013. The parties now request and agree that exclusion of additional time under the Speedy
6 Trial Act is appropriate in order to allow adequate preparation of counsel to work towards
7 negotiation and settlement of this matter, to prepare for trial in the event settlement discussions
8 fail to bear fruit, and to ensure continuity of defense counsel. The parties therefore stipulate and
9 agree that the time from the date of this stipulation, through and including April 4, 2013, shall be
10 excluded from computation of time within which the trial of this case must be commenced under
11 the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

12 It is so stipulated.

13 Dated: November 21, 2012

MELINDA HAAG
UNITED STATES ATTORNEY

15 /s/ Thomas O'Connell

By: THOMAS O'CONNELL
Assistant U.S. Attorney
*signed with permission

17 Dated: November 21, 2012

/s/ Doron Weinberg

18 DORON WEINBERG
Attorney for Defendant
WINSLOW NORTON
*signed with permission

21 Dated: November 21, 2012

/s/ Stuart Hanlon

22 STUART HANLON
Attorney for Defendant
ABRAHAM NORTON
*signed with permission

25 Dated: November 21, 2012

/s/ William Osterhoudt

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STIPULATION AND ORDER CONTINUING MOTION HEARING DATE

WILLIAM OSTERHOUDT
Attorney for Defendant
MICHAEL NORTON
*signed with permission

Dated: November 21, 2012

/s/ Ean Vizzi

EAN VIZZI
J. TONY SERRA
Attorneys for Defendant
BRIAN EVERETT

ORDER [~~proposed~~]

Base on the stipulation of the parties, and good cause appearing therefore,

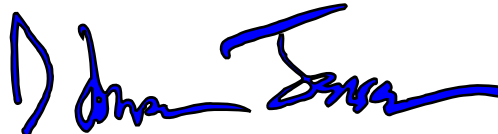
IT IS HEREBY ORDERED that the motions hearing date previously scheduled for January 3, 2013, is continued to April 4, 2013 at 10:00 a.m. The briefing schedule previously agreed to shall be replaced by the following briefing schedule:

Government's Response shall be filed no later than March 7, 2013

Defendants' Reply brief shall be filed no later than March 21, 2013

IT IS HEREBY FURTHER ORDERED that time under the Speedy Trial Clock is excluded from the date of this Order through and including the hearing date of April 4, 2013, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv). The basis for the time exclusion is set forth in the stipulation of the parties, which the Court hereby adopts. The Court finds that the failure to grant a continuance in this case would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, as well as denying the defendants continuity of counsel. The Court finds that the ends of justice served by the granting of such continuance outweigh the interests of the public and the parties in an earlier trial.

Dated: FCJFG



THE HONORABLE D. LOWELL JENSEN
United States District Judge